

C007/035 Incoming

#3655

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**Sunnyside Cogeneration Associates**

P.O. Box 159, Sunnyside, UT 84539

(435) 888-4476 • (435) 888-2538

October 12, 2010

File in: C0070035 Incoming  
Date: 10/14/2010 Refer to:  
☐ Confidential  
☐ Shelf  
☒ Expandable  
for additional information

Division of Oil Gas and Mining  
Attn. James D Smith  
1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, UT 84114-5801

RE: Midterm Permit Review, Sunnyside Cogeneration Associates, Sunnyside  
Refuse/Slurry, C007/0035, Task 3547

Dear Mr. Smith:

Sunnyside Cogeneration Associates ("SCA") has reviewed your letter dated August 4, 2010 and the attached deficiencies related to your Midterm Permit Review for the Sunnyside Refuse / Slurry MRP. We have reviewed with you the proposed resolution to each of the deficiencies and are submitting the enclosed permit amendment to address these issues.

In summary, the deficiencies are addressed as follows:

- Review item #2 (AA) – The review document requests additional detail regarding the environmental monitoring that SCA has committed to perform during a Temporary Cessation. SCA has added text to the MRP committing to sample and test for acid/toxic forming materials prior to final reclamation. (See text page 700-15.)
- Review item #5 (PH) – SCA has worked with Mr. Hess to update the bond calculations. (See Tables 8-1 and 8-2.)
- Review item #3 (KL) – The review document refers to use of the best technology currently available (BTCA) in relation to contributions of suspended solids to stream flows outside the permit area. SCA has added a commitment related to its use of BTCA. (See text page 700-20 )
- Review Item #6 (KL) – In relation to Alternative Sediment Controls (ASC's) SCA has reviewed the MRP text, Plate 7-1 and Appendix 7-7 and made updates as necessary to

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correlate the documents and identify the ASC's currently in place at the site. (See text page 700-21 and Plate 7-1.)

- Review Item #4 (AN) – The review document outlines several out of date items from AVS check. SCA is submitting Chapter 1 segments with the current Ownership and Control information (this was recently submitted and approved for SCA's Star Point Waste Fuel site). This will allow DOGM to update their AVS documentation. (See Chapter 1 text and Figure 1-7.)

The review document also listed questions on the following:

Savage Services Corporation ("Savage"). Savage is a contractor for SCA and does not own or control SCA. The individuals listed are employees of Savage, not SCA, and should be removed from the AVS database.

Sunnyside II, L.P. Sunnyside II, L.P. is a limited partnership whose partners are Sunnyside II, Inc. and Sunnyside III, Inc. Sunnyside II, L.P. does not have separate officers or directors. The information on Sunnyside II, L.P.'s partners is provided in Figure 1-7.

Sunnyside Generation, LLC. Sunnyside Generation, LLC is a limited liability company with two members, CP Sunnyside I, Inc. and Colmac Sunnyside, Inc. Sunnyside Generation, LLC does not have separate officers or directors. The information on Sunnyside Generation, LLC's partners is provided in Figure 1-7.

McDermott International, Inc.

McDermott, Inc.

Babcock and Wilcox Investment Co.

Babcock and Wilcox Co.

Babcock and Wilcox Equity Investment, Inc.

Northern States Power Co.

NRG Energy, Inc.

The companies listed above previously owned SCA, but sold their interests in SCA to the current entities on August 31, 1999. These companies should be removed from the AVS database.

COSI, ACI and Constellation Energy Co. SCA contracts with several companies and individuals to provide different services for SCA. Individuals at COSI, ACI and Constellation Energy Co. provide some of these services through various contracts.

SCA Sunnyside Refuse/Slurry  
Midterm Permit Review – Response  
October 12, 2010  
Page 3 of 3

We have enclosed five copies of the drawings, tables, figures and text pages for your review. We expect that these items will address each of the deficiencies outlined in the Midterm Permit Review document. We look forward to receiving your approval of this amendment. If you have any questions, please feel free to call Rusty Netz or myself at (435) 888-4476.

Thank You,

A handwritten signature in black ink, appearing to read 'Richard Carter', written over a horizontal line.

Richard Carter  
Agent for  
Sunnyside Cogeneration Associates

Enclosures

# APPLICATION FOR COAL PERMIT PROCESSING

Permit Change ☒ New Permit ☐ Renewal ☐ Exploration ☐ Bond Release ☐ Transfer ☐

Permittee: Sunnyside Cogeneration Associates

Mine: Sunnyside Refuse and Slurry

Permit Number:

**C/007/035**

Title: Midterm Permit Review updates

Description, Include reason for application and timing required to implement:

Address permit deficiency items outlined by DOGM at Mid-Term Permit Review

Instructions: If you answer yes to any of the first eight questions, this application may require Public Notice publication.

- |                              |                                        |                                                                                                                                                   |
|------------------------------|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ <input type="checkbox"/> increase <input type="checkbox"/> decrease. |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | 2. Is the application submitted as a result of a Division Order? DO# _____                                                                        |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?                                     |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | 4. Does the application include operations in hydrologic basins other than as currently approved?                                                 |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?                                         |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | 6. Does the application require or include public notice publication?                                                                             |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | 7. Does the application require or include ownership, control, right-of-entry, or compliance information?                                         |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?                                         |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | 9. Is the application submitted as a result of a Violation? NOV # _____                                                                           |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | 10. Is the application submitted as a result of other laws or regulations or policies? _____                                                      |

Explain:

- |                                         |                                        |                                                                                                                    |
|-----------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 11. Does the application affect the surface landowner or change the post mining land use?                          |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2) |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 13. Does the application require or include collection and reporting of any baseline information?                  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?            |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 15. Does the application require or include soil removal, storage or placement?                                    |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 16. Does the application require or include vegetation monitoring, removal or revegetation activities?             |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 17. Does the application require or include construction, modification, or removal of surface facilities?          |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 18. Does the application require or include water monitoring, sediment or drainage control measures?               |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 19. Does the application require or include certified designs, maps or calculation?                                |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 20. Does the application require or include subsidence control or monitoring?                                      |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 21. Have reclamation costs for bonding been provided?                                                              |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?               |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 23. Does the application affect permits issued by other agencies or permits issued to other entities?              |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 24. Does the application include confidential information and is it clearly marked and separated in the plan?      |

Please attach three (3) review copies of the application. If the mine is on or adjacent to Forest Service land please submit four (4) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

RICHARD CARTER

Print Name

Position

Date

Signature (Right-click above choose certify then have notary sign below)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public: \_\_\_\_\_, state of Utah.

My commission Expires: \_\_\_\_\_

Commission Number: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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**APPLICATION FOR COAL PERMIT PROCESSING**  
**Detailed Schedule Of Changes to the Mining And Reclamation Plan**

**C/007/035**

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

**DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED**[illegible]

Form DOGM - C2 (Revised December 10, 2007)